

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, April 27, 2010

REGULAR MEETING

9:01 a.m.: Chairman Kehoe called the Regular Session of the Board of Supervisors to order on the above date with the following present:

District No. 1 - Supervisor Kehoe
 District No. 2 - Supervisor Moty
 District No. 3 - Supervisor Hawes
 District No. 4 - Supervisor Hartman
 District No. 5 - Supervisor Baugh

County Administrative Officer - Larry Lees
 County Counsel - Rubin E. Cruse, Jr.
 Chief Deputy Clerk of the Board - Glenda Tracy
 Administrative Board Clerk - Linda Mekelburg

INVOCATION

Invocation was given by Pastor Paul Shrum, Grace Fellowship Foursquare Church.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance to the Flag was led by Supervisor Kehoe.

REGULAR CALENDAR

BOARD MATTERS

PROCLAMATION: OLDER AMERICANS MONTH

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors adopted a proclamation which designates May 2010 as Older Americans Month in Shasta County. PSA 2 Agency on Aging Board member Virginia Webster was present to accept the proclamation.

PRESENTATIONS

CALIFORNIA STATE ASSOCIATION OF COUNTIES

California State Association of Counties (CSAC) Legislative Analyst Faith Conley stated that CSAC continues to be a strong and effective voice for California counties, being watchful on the state budget. The CSAC website has information about the myriad of challenges facing California's 58 counties.

WESTERN SHASTA RESOURCE CONSERVATION DISTRICT

Western Shasta Resource Conservation District Fire Safe Project Manager Lee Delaney explained the usage of the Shasta County Fire Safe Council Fire Trailer at various events. He discussed fuel reduction plans and the organization of neighborhoods for defensible space, trainings, and workshops.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Kehoe announced that the item regarding the Language Line LLC contract was pulled at the request of the department.

Chairman Kehoe announced that the items regarding the Modular Furniture at 1855 Shasta Street Project and the right-of-way contract with the Cottonwood Community Park were pulled for further discussion.

CONSENT CALENDAR

By motion made, seconded (Moty/Baugh), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar, as amended:

Adopted Policy Resolution No. 2010-03, which amends Administrative Policy 6-101, *The Shasta County Contracts Manual*, to increase department head authority to \$3,000 to approve certain agreements. (Administrative Office)

(See Policy Resolution Book)

Adopted Policy Resolution No. 2010-04, which amends Administrative Policy 2-101, *Budgetary Policies and Controls*, to realign policies with the Government Code. (Administrative Office)

(See Policy Resolution Book)

Approved the minutes of the meetings held on March 23, April 6 and 13, 2010, as submitted. (Clerk of the Board)

Enacted Ordinance No. SCC 2010-01, which amends County Code Section 2.04.010, *Meeting Days*, to revise the method by which the Board of Supervisors sets the time and place for holding regular meetings, as introduced April 6, 2010. (Clerk of the Board)

(See Shasta County Code Ordinance Book)

Enacted Ordinance No. SCC 2010-02, which amends County Code Section 13.12.050, *Water service-Billing*, to conform to current county service area law, as introduced April 13, 2010. (Clerk of the Board)

(See Shasta County Code Ordinance Book)

Appointed Virginia Webster to the PSA Area 2 Agency on Aging - Executive Board. (Clerk of the Board)

Approved and authorized the Chairman to sign an amendment to the agreement with North Valley Behavioral Health, LLC with no increase in compensation (for a total not to exceed \$1,121,280 per fiscal year) for provision of psychiatric inpatient services to modify the billing language and HIPAA Business Associate Addendum, retaining the term through June 30, 2010, with two automatic one-year renewals. (Health and Human Services Agency (HHS)-Adult Services)

Approved and authorized the Chairman to sign a letter approving the In-Home Supportive Services (IHSS) Public Authority Rate Modification Application, which increases the

provider rate to \$11.17 per hour effective July 1, 2010 and includes increases to wages by \$0.45 per hour (to \$9.30 per hour), decreases the administration cost by \$0.10 per hour (to \$0.16 per hour), retains the health insurance benefit cost at \$0.60 per hour, and increases the payroll tax by \$0.05 per hour (to \$1.11 per hour), for submission to the California Department of Social Services. (HHSA-Adult Services (IHSS Public Authority))

Approved and authorized the Chairman to sign a retroactive agreement with the California State Foster Parent Association, Chapter 20 in an amount not to exceed \$24,000 (\$8,000 per fiscal year) to provide child care during Perinatal Substance Abuse/Human Immunodeficiency Virus (PSA/HIV) Infant Program training for the period July 1, 2009 through June 30, 2010, with two automatic one-year renewals. (HHSA-Children's Services)

Approved a budget amendment increasing appropriations and revenues in the amount of \$65,000 in the District Attorney/Victim Witness budget for a grant received from the California Family Justice Initiative in partnership with Blue Shield of California to implement the Shasta Family Justice Center. (District Attorney/Victim Witness)

Approved a budget amendment increasing appropriations and revenues in the amount of \$324,589 (with a net effect of \$0) in the Probation budget consistent with Fiscal Year 2009-10 mid-year analysis. (Probation)

For the 2010 Resurfacing Project, found the project categorically exempt in conformance with the California Environmental Quality Act (CEQA); approved plans and specifications and directed the Public Works Director to advertise for bids; and authorized opening of bids on or after May 20, 2010 at 11:00 a.m. (Public Works)

Adopted Resolution No. 2010-034, which authorizes Shasta County to recover its costs in the amount of \$18,021.62 to abate nuisance conditions on one parcel by means of a special assessment and lien. (Public Works)

(See Resolution Book No. 51)

Approved and authorized the Chairman to sign an amendment to the agreement with EnviroSolve, Inc. decreasing compensation by \$168,554 (for a new total not to exceed \$323,554), reducing the scope of household hazardous waste collection events, and retaining the term of April 1, 2008 through March 31, 2012. (Community Education Section)

Adopted Resolution No. 2010-035, which authorizes the Environmental Health Division to apply for a Solid Waste Enforcement Assistance Grant in an approximate amount of \$19,824 for Fiscal Year 2010-11. (Environmental Health Division)

(See Resolution Book No. 51)

Approved a budget amendment transferring appropriations in the amount of \$24,050 within the CSA #1-County Fire budget to fund additional costs for the purchase of two new fire engines. (County Fire)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

MODULAR FURNITURE **1855 SHASTA STREET PROJECT**

Public Works Director Pat Minturn stated that the engineer's estimate for the twenty modular workstations was \$68,000. The bids received were substantially higher; therefore, it is recommended the Board of Supervisors reject all bids. The specified work stations are available from the low bidder, Michael's Business Furniture, through the U.S. Communities pricing process.

In reply to questions by Supervisor Kehoe, Mr. Minturn confirmed that the furniture will have a 12-year warranty through Michael's Business Furniture from the manufacturer.

In reply to questions by Supervisor Kehoe, District Attorney Jerry Benito advised that the office will be limited on furniture; however, the department will not exceed the budgeted amount and will use some pieces of furniture from the existing office.

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors rejected all bids for the Modular Furniture at 1855 Shasta Street Project and directed staff to complete purchase and installation through the U.S. Communities pricing method. (Public Works)

RIGHT-OF-WAY CONTRACT
COTTONWOOD COMMUNITY PARK

Public Works Director Pat Minturn explained that the Cottonwood Community Park owns land along Gas Point Road and First Street. The County will need additional right-of-way along these roads. The Park's use permit requires them to pave an 18-parking spaces parking lot. It is proposed that the County exchange paving the Park's parking lot for the right-of-way.

In response to questions by Supervisor Kehoe, Mr. Minturn stated that it would be possible that the paving of the parking lot and the right-of-way be handled separately; however, if done in this manner, it provides assurance on behalf of the County that the paving of the parking lot will be completed correctly.

In response to questions by Supervisor Moty, Mr. Minturn agreed that it would probably be more expensive to purchase the right-of-way in the future than it would be currently.

By motion made, seconded (Baugh/Hawes), and carried, the Board of Supervisors approved and authorized the Chairman to sign a right-of-way contract with the Cottonwood Community Park in exchange for paving an access road to the Community Center, and paving and striping space for 18 parking spaces; and accepted one grant deed conveying two parcels for road right of way. Supervisor Kehoe voted no because he feels the matters should be handled separately. (Public Works)

9:45 a.m.: The Board of Supervisors recessed and convened as the Shasta County Water Agency.

SPECIAL DISTRICTS/OTHER AGENCIES CONSENT CALENDAR
WATER AGENCY

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors took the following action, which was listed on the Consent Calendar:

Approved and authorized the Chairman to sign an addendum to the Four County Memorandum of Understanding, which allows Shasta County to join the Four County Group for integrated regional water management.

9:46 a.m.: The Shasta County Water Agency recessed, and the Board of Supervisors reconvened.

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Larry Lees had no legislative update.

Supervisor Moty recently attended a Regional Transportation Planning Agency tour of the new Bay Bridge currently under construction.

Supervisor Kehoe recently attended a Shasta County Mental Health, Alcohol & Drug Advisory Board meeting.

Supervisor Baugh recently attended a Regional Council of Rural Counties (RCRC) meeting and a Northern Rural Training and Employment (NoRTEC) meeting.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

**PRESENTATION; HERGER-FEINSTEIN QUINCY LIBRARY GROUP
PILOT PROJECT REPORT
AGREEMENT: FRANK STEWART
COUNTY FORESTER SERVICES**

County Forester Frank Stewart discussed community wildfire protection plans under the Herger-Feinstein Quincy Library Group (QLG) Pilot Project. The projects reduce fire risk and promote the long-term development of more fire-resilient forests, together with the public interest in providing protection and economic stability to local communities.

Mr. Stewart discussed the personal services agreement for the purpose of monitoring and updating community wildfire protection plans, and he advised that some counties are able to use Title III funds, to fund the forester agreements, while others are using general funds. Administrative Analyst Angela Richardson advised that the Title III process has already begun, and Shasta County has missed the deadline for this fiscal year and possibly for next fiscal year as well. Shasta County must to use general funds initially this fiscal year, and possibly backfill with Title III funds at a future date.

In reply to questions by Supervisor Baugh, Mr. Stewart stated projects include shaded fuel breaks, National Environmental Policy Act (NEPA) projects on the field with the Forest Service, working on the documents and maps, and assisting the QLG to get the projects implemented, which are part of the Shasta County fire plan. There are opportunities to attend numerous field trips, meetings with agencies, and Fire Safe Council meetings.

By motion made, seconded (Hawes/Hartman), and carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with Frank Stewart in an amount not to exceed \$28,720 to monitor and update community wildfire protection plans under the Herger-Feinstein Quincy Library Group Project for the period May 1, 2010 through December 31, 2012. Supervisor Kehoe voted no.

SUPPORT SERVICES

**SHASTA COUNTY EMPLOYEE WELLNESS PROGRAM
RESOLUTION NO. 2010-036**

Director of Support Services Michelle Schafer stated the Shasta County Employee Wellness Program promotes healthy eating and physical activity and increases employee wellness and safety. Improvement in these areas increases productivity and decreases absenteeism.

Charles Alexander opposed wording in the proposed resolution referencing the protection of employees and patrons from the exposure to secondhand smoke.

By motion made, seconded (Hawes/Baugh), and carried, the Board of Supervisors adopted Resolution No. 2010-036, which supports the Shasta County Employee Wellness Program.

(See Resolution Book No. 51)

CLOSED SESSION ANNOUNCEMENT

Chairman Kehoe announced that the Board of Supervisors would recess to a Closed Session to take the following actions:

1. Confer with its counsel to discuss existing litigation entitled *Batten v. County, et al.*, *Sargent and Atterbury v. Simonetta, et al.*, and *Jayne v. Bosenko, et al.*, pursuant to Government Code section 54956.9, subdivision (a); and
2. Confer with its counsel to discuss one case of anticipated litigation pursuant to (Government Code section 54956.9, subdivision (b); and
3. Confer with its Labor Negotiators, County Administrative Officer Larry Lees, Personnel Director Michelle Schafer, and Labor Consultant Becker and Bell, to discuss the following employee organizations: Shasta County Employees Association, Shasta County Mid-Management Association, Deputy Sheriffs Association, Deputy Sheriffs Association-Correctional Officers, Sheriffs Administrative Association, Professional Peace Officers Association, Unrepresented Employees, United Public Employees of California-General Unit, United Public Employees of California-Professional Unit, and Teamsters-Trades and Crafts, pursuant to Government Code section 54957.6.

11:01 a.m.: The Board of Supervisors recessed to Closed Session.

11:20 a.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with all Supervisors, County Administrative Officer/Clerk of the Board Larry Lees, and County Counsel Rubin Cruse, Jr. present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Rubin Cruse, Jr. reported that the Board of Supervisors met in Closed Session to discuss existing litigation and anticipated litigation, as well as labor negotiations.

In the case of *Batten v. County of Shasta, et al.*, which involves alleged violations of constitutional rights of due process and equal protection, the Board of Supervisors, by a

unanimous 5-0 decision, gave approval to defend against this action and assigned the defense to Gary Brickwood, Esq.

In the case of Sargent and Atterbury v. Simonetta, et al., which involves alleged violations of constitutional rights, the Board of Supervisors, by a unanimous 5-0 decision, gave approval to defend against this action and assigned the defense to Gary Brickwood, Esq.

In the case of Jayne v. Bosenko, et al., which involves the circumstances surrounding the plaintiff's confinement in the Shasta County Jail, the Board of Supervisors, by a unanimous 5-0 decision, gave approval to defend against this action and assigned the defense to Gary Brickwood, Esq.

As for the significant exposure to litigation involving one potential case, which involves a claim made by the California Sportfishing Protection Alliance involving alleged violations of the Clean Water Act, the Board of Supervisors, by a unanimous 5-0 decision, gave approval to defend against this claim and assigned the defense to the law firm of Abbott & Kindermann.

No other reportable action was taken.

11:22 a.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy